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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/053,310

11/02/2001

Timothy M. O'Neil

PA2087 US

5803

29855

7590

03/17/2006

EXAMINER

HSU, ALPUS

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
P.C.

20333 SH 249

SUITE 600

HOUSTON, TX 77070

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,310

Applicant(s)

O'NEIL, TIMOTHY M.

Examiner

Alpus H. Hsu

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-22, 32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-22 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/1/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2665

1. Claim 32 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 32 depends on claim 23, which fails to further limit the subject matter of claim 23 since the claim has been canceled in the response dated January 20, 2006.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-22, 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHAFFER et al. in U.S. Patent No. 6,687,234 B1(of record), hereinafter referred as Schaffer, in view of BREITENBACH et al. in Pub. No. US 2002/0016729 A1 (newly cited), hereinafter referred as Breitenbach.

Referring to claims 18 and 34, Schaffer discloses a network server (112a) configured to facilitate communication among a plurality of endpoints (102a and 103a), the server comprising: a network management system (105a) configured to automatically and dynamically coordinate cascading of two or more multipoint control units for expanding a number of endpoints in a multi-point conference (col. 4, lines 18-35); a gatekeeper (108a) configured to implement one or more network policies set by a network administrator, wherein the network policies include one or more items selected from the group consisting of: call authorization, call management, network bandwidth management (col. 3, line 57 to col. 4, line 17); and a resource scheduler

Art Unit: 2665

(105) configured to coordinate the multipoint conferencing and relay conference requests to MCUs (col. 3, lines 28-33).

Schaffer differs from the claim, in that, it does not disclose a specific resource scheduler to perform one or more activities selected from the group consisting of: interacting with the calendars of others on the network, sending conference invitations to others on the network, updating participant calendars upon acceptance of an invitation, and communicating with the gatekeeper upon receiving a conference request from one of the endpoints, which is well known element in the art and commonly used in networking for resource allocation and event scheduling purposes.

Breitenbach, for example, from the similar field of endeavor, teaches the use of a specific resource scheduler for performing one or more activities selected from the group consisting of: interacting with the calendars of others on the network, sending conference invitations to others on the network, updating participant calendars upon acceptance of an invitation, and communicating with the gatekeeper upon receiving a conference request from one of the endpoints (paragraph [0017], [0266] to [0269]) for resource allocation and event scheduling purposes as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art to adopt the feature of utilizing a specific resource scheduler in replacing the scheduler in Schaffer to maximize the bandwidth allocation to further improve the system efficiency.

Referring to claims 19 and 35, Schaffer discloses a gateway (106a) operative to provide interface functionality between different network types,

Art Unit: 2665

Referring to claims 20 and 21, Schaffer discloses the resource scheduler resides in the network management system or in one or more of the plurality of endpoints (col. 3, lines 36-37).

Referring to claims 22 and 36, Breitenbach discloses that the network policies implemented by the gatekeeper vary as a function of time of day or day of week (paragraph [0078] to [0080], [0146], [0266] to [0271].

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jorgensen '915, '885, '246, '629, '248, '922 & '622 are all cited to show the common feature of wireless point to multi-point transmission system utilizing resource allocation device, analyzing and scheduling device, gatekeeper and gateway similar to the claimed invention.

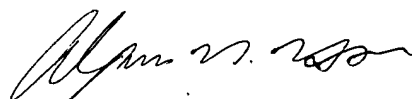
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2665

AHH

A handwritten signature in black ink, appearing to read "Alpus H. Hsu".

Alpus H. Hsu
Primary Examiner
Art Unit 2665